



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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May 28, 2019

Ms. Aria Bendix
Business Insider
One Liberty Plaza, 8th Floor
New York, NY 10006

Dear Ms. Bendix:

This letter responds to your Freedom of Information Act (FOIA) request of January 29, 2019 in which you seek the following:

- 2014 to 2018 email communications between the U.S. Navy and Lennar Corporation that discuss radioactive contamination on site 12 at the Treasure Island and Yerba Buena Island development project in San Francisco. The correspondence may include the following names: Kofi Bonner, Co-Chief Operating Officer at FivePoint; Robert (Bob) Beck, Treasure Island Director, Kimberly Noble, Radiological Affairs Support Office, U.S. Department of the Navy; and David Clark, Remediation Project Manager, U.S. Department of the Navy.

Your request was received by this office on February 6, 2019 and assigned file number DON-Navy-2019-003302. A letter sent on March 7, 2019 indicated that the processing of your request was ongoing, and that we would provide a date to complete your request. The processing of your request continues and we anticipate completion of the response by September 30, 2019.

When making your FOIA request, you requested a fee waiver for this search. In this instance, we have determined that the fees associated with the processing of your request are waived.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

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Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Sarah Ann Moore who may be contacted at sarah.moore@navy.mil or 619-524-5727.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ostrowski', with a long horizontal flourish extending to the right.

KIMBERLY A. OSTROWSKI
Director